

**45C01-2102-CT-000148**

Lake Circuit Court

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Clerk  
Lake County, Indiana

STATE OF INDIANA	)	IN THE LAKE_____ COURT
	)ss	
COUNTY OF LAKE	)	SITTING IN _____, INDIANA
MICHAEL McNEIL,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	CAUSE NO:
	)	
SIEMENS ENERGY, INC.	)	45C01-2102-CT-000148
	)	
Defendant.	)	

**COMPLAINT**

Comes now, Plaintiff Michael McNeil, by counsel, Law Office of David Gladish, P.C. by David S. Gladish and Mark J. Schocke and hereby asserts the following cause of action against Defendant Siemens Energy, Inc. (hereinafter referred to as "Siemens") as follows:

1. Plaintiff Michael McNeil is an adult resident of the City of Hobart, Lake County, State of Indiana.
2. Defendant Siemens is a foreign For-Profit Corporation with its principal place of business in the City of Orlando, Florida.
3. On or about August 29, 2020, Plaintiff was an employee for Midwest Service Center, LLC.
4. As part of his employment, Plaintiff was involved in the fabrication of a pedestal which required 3D modeling and datasheet packages.
5. As part of this process, Defendant provided certified and qualified welders to carry out the welding as well as the fabrication process.
6. Prior to Defendant's employees welding, Plaintiff needed to review the component assembly.

7. Defendant's site supervisor insisted upon the use of a welding positioner table for the fabrication and welding.

8. Defendant's decision to use its own welders and positioning table were outside the scope of the project.

9. Defendant brought the positioning table to Midwest, but failed to advise Plaintiff that Defendant had modified it by cutting the leg supports which were necessary to provide stability to the table.

10. Based upon the spec. sheet, the positioner table would have been able to fully support the fabricated pedestal.

11. Defendant's action of cutting the support legs resulted in the derating of the positioner table's weight capacity and presented a latent danger to Plaintiff.

12. Further, Defendant never warned Plaintiff of the modifications to the positioner and/or the derating of the positioner due to its modification of the support legs.

13. Defendant owed Plaintiff a duty of care.

14. Defendant proceeded to breach the duty of care it owed to Plaintiff.

15. That as a direct and proximate result of the Defendant's negligence as aforesaid, Plaintiff was violently thrown to the ground with the positioner tipping over and striking Plaintiff causing severe personal injuries requiring medical care and attention along with the incidental and consequential expenses involved therewith.

16. That while Plaintiff was convalescing from his injuries, he has suffered emotional distress, loss of enjoyment of life and lost wages.

WHEREFORE, Plaintiff Michael McNeil respectfully requests judgment against the Defendant Siemens Energy, Inc. in an amount of money that will adequately compensate him for the injuries and damages he has sustained, continues to sustain, for costs of this action and for all other just and proper relief in the premises.

**JURY DEMAND**

Plaintiff demands trial by jury.

/s/Mark J. Schocke

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